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*J. G. Talbot*

## THE SPEECH

OF

*John A. L.*

## THE LORD CHANCELLOR

DELIVERED IN

THE HOUSE OF LORDS,

JUNE 29TH, 1868,

ON THE MOTION FOR THE SECOND READING OF A BILL,

INTITULED

‘An Act to prevent, for a limited Time, new Appointments in the Church of Ireland, and to restrain, for the same Period, in certain respects, the Proceedings of the Ecclesiastical Commissioners for Ireland.’

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THE NATIONAL PROTESTANT UNION having applied to the Lord Chancellor for permission to publish the following speech, his Lordship has kindly given his consent, and has also been so good as to revise the copy.

*Whitchall Gardens, London.*



## A SPEECH,

*&c. &c.*

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MY LORDS,—It has been my fortune to attend to the course of this debate more closely than most of your Lordships, and I must say, that however widely the views expressed may have differed, I think it cannot fail to be a satisfaction to your Lordships that the general current of the debate has proceeded with a fulness, an energy, and an ability, worthy both of the question and of the reputation of your Lordships' house. My Lords, if with regard to so much that has been excellent I might venture to express anything of regret, it would be that there appeared to be in the minds of some of the speakers something of a doubt as to what was the precise significance of the Bill now before your Lordships. That such a doubt should exist is, I think, not to be attributed to us, but rather to the manner in which the measure has come before the house. My Lords, in the House of Commons it was stated on one side of the house, and accepted as correct upon the other, that this Bill was merely a 'corollary.' A 'corollary' signifies an inference from a preceding proposition. In the other house the preceding proposition had been discussed, and had become the subject of a resolution. That resolution assumed this form,—

‘ That it is necessary that the Established Church of Ireland should cease to exist as an Establishment, due regard being had to all personal interests and to all individual rights of property.’

My Lords, if I understand the meaning of words, that resolution involves two consequences; it involves and implies the disestablishment of the Irish Church, and it involves and implies also its disendowment; because if it does not imply its disendowment, I would ask, what was the meaning of the reservation of one parti-

cular kind of property, the only property that was to be reserved, namely, individual property? The course adopted in the other house was convenient and distinct, because when the time came for the Suspensory Bill to be introduced it would have been vain in the face of this resolution for those who promoted the Bill to have offered it to the house as anything but a Bill designed to promote the disestablishment and disendowment of the Church. And accordingly in that sense, and in that sense only, was it treated. But, my Lords, what have we seen in the course of the present debate? I am bound to say that the noble Earl Granville, who moved the second reading of the measure, in a speech to the great ability of which, if it were not presumptuous for me to do so, I would venture to offer my sincere tribute of admiration, the noble Earl frankly stated that the resolutions of the House of Commons were involved in the present Bill: but to-night we have had new ground broken. The noble Duke (Argyll) who opened the discussion this evening, and who came forward taking upon his own shoulders the responsibility of this measure, and putting himself forward almost as the originator of the measure, and certainly as the expositor of the motives and designs of those who introduced it before the public; that noble Duke, speaking as one of the authors of the Bill, stated it had not a word of disestablishment in it, and as to disendowment it was the greatest mistake to suppose, not merely that this Bill had anything to say to disendowment, but that disendowment as disendowment had ever been gravely or actually considered or discussed even in the House of Commons. Now I want to ask the noble Duke, as he appears before your Lordships as one of the coadjutors in the preparation and launching of this Bill, does he mean to maintain that this Bill was not proposed to the House of Commons as a measure of disendowment? That question can easily be put beyond the possibility of doubt. The noble Duke was somewhat severe as to the use of quotations from debates in Parliament, and speaking of my noble friend, lately at the head of the Government (Lord Derby), with a courtesy which I think might be disputed, and a good taste that some persons might be disposed to challenge, he said there was no person in the house who required to be more watched than my noble friend. I beg the noble Duke will watch me in the quotation I am about to make, and I beg he will compare what I read with the report he will find of his own expressions to-night in the usual organs of information. Mr. Glad-





stone thus expressed himself on the 30th of March, in introducing the Resolutions to the Committee of the House of Commons :—

‘ I think the tithe is not paid by the landlord, and as for the assurance of the Catholic party, I cannot consent that any such assurance ’ (that was the assurance in 1829) ‘ should bind me to uphold what I conceive to be unfair to the Catholics and injurious to the Empire. In this matter, I say, we should exercise our own freedom, and judge what is for the common good, and it is on the ground of the common good, I ask you to consent to the DISENDOWMENT of the Established Church in Ireland.’

My Lords, I only regret the course which has been taken because I think it has led to a confusion of which we have seen some fruits to-night. The noble Earl who generally sits above the gangway on this side of the house (Shaftesbury), induced, I suppose, by the blandishments of the noble Duke, and the way in which he described this measure, has come to the conclusion that the Bill now before your Lordships is ‘ a meagre and insignificant Bill,’ and one which involves none of those important principles which the noble Earl who moved its second reading candidly admitted to be involved. My Lords, that the actual provisions of this Bill fall far short of the principles which are involved in it I freely admit ; but in what way the noble Earl has satisfied himself that a support of the Bill would not imply a support of those principles I am unable to understand.

My Lords, I am very much disposed to agree with what was said by one of your Lordships, that, although it will be proper to consider the provisions and the working of the Bill, the provisions of the Bill are trifling compared with the greater and larger question, which was the subject of the first of the Resolutions passed by the other House of Parliament. But, at the same time, I think we ought not to conceal from ourselves what the effect of the working of this measure would be, supposing it were to receive your Lordships’ assent. The mode in which the provisions of the Bill have been dealt with, upon the opposition side of the House, has been somewhat singular. The most Rev. Prelate, who presides over the northern province (Archbishop of York), pointed out on a former night various consequences that would ensue from the passing of this Bill. He was replied to by my noble and learned friend the Master of the Rolls, from whom, if from any one, I should have

expected an answer to the objections which had been made. What answer, however, did my noble and learned friend make? He said he had listened to the objections which had been made, and was of opinion that they could all be removed in Committee. But if my noble and learned friend fully appreciated the character of these objections, and had my noble and learned friend borne in mind the provisions of this Bill, he must have seen that the only manner in which these objections could have been removed in Committee would have been by striking out every Clause in the Bill. But my noble and learned friend was followed by a noble Duke, formerly first Lord of the Admiralty (Somerset). The noble Duke spoke late in the evening, and with a frankness and freedom which left nothing to be desired. He said the Bill was one of those things which nobody could understand. He said he had listened to the objections of the most Rev. Prelate, and he concurred in most of them. He said that, for his part, he was not responsible for the Bill, and he could not for the life of him see how it would work. He said further, that on the whole, he was disposed to look upon it as almost impossible. But although it was unintelligible, although it was impracticable, and although it was almost impossible, yet, notwithstanding, the noble Duke was prepared to vote for the second reading of the Bill, in order that, through the medium of an unintelligible, impracticable, and impossible Bill, we might convey to the people of Ireland the conviction that we meant to deal with them in a spirit of conciliation. Well, now, perhaps your Lordships will forgive me, if as briefly as possible, and as simply as possible, I point out exactly what I believe will follow from this Bill.

I must, at the outset, refer to a matter which, though small in itself, I should be sorry to suppose had not been noticed by your Lordships. The title of the Bill, as it comes before your Lordships, is, 'To prevent for a limited time new appointments in the *Church of Ireland*.' Now, my Lords, I am not acquainted with any Church that bears that name. I know of one Church in Ireland, which is described, in an Act of Parliament which has not been repealed, in a very different manner. The Act of Union says, 'The Churches of England and Ireland, as now by law established, shall be united into one Protestant Episcopal Church, to be called The United Church of England and Ireland.' That is the parliamentary name of the Church now sought to be dealt with. And, my Lords,

I take the misnomer, which the Church has received in the title of this Bill, only as an indication that the noble Duke (Argyll), and the other compositors of the measure, were afraid to state boldly and broadly that the Church they were about to destroy by their legislation was, the United Church of England and Ireland.

Well now, my Lords, this Bill proposes to suspend for one year—though, as was well said by the noble Earl on the cross-benches (Grey), we knew from past experience that that suspension will last considerably longer—the appointment of Bishops and Incumbents of this Church. There are objections to this which lie upon the very face of this measure. In the first place, I object to it because you have at present a Church which is entitled by law to the service of Bishops and Clergy appointed in a continual succession, and you interrupt that succession and deprive the Church of those services, not because anything has been determined by Parliament, but because at some future period something may perchance be determined by Parliament with regard to that Church. My Lords, what does the resolution which is said to be embodied in this Bill itself say upon this point?—‘That, subject to the foregoing considerations, it is expedient to prevent the creation of new personal interests, *pending the final decision of Parliament.*’ Now, my Lords, the final decision of Parliament is the decision of Parliament. The decision of Parliament is not the decision of the House of Commons. It is the decision of the three estates of Parliament, resulting in a legislative measure; and therefore, what is proposed by the Bill is this, that the functions and the working of the Church should be suspended and placed in abeyance, in order to see whether an attack to be hereafter made upon the Church should prove successful. But that is not all. I object to it also because, at the same time that it paralyzes the Church, it renders it impossible for voluntary action to step in and supply the vacuum, even if voluntary action was at hand. The episcopal and parochial action of the Church is regulated by law, and can proceed only through legal channels. So that, during this intermediate period, the Church would be placed in a position worse than that of any voluntary society in the kingdom. I object to it, in the next place, by reason of its unequal working. This is a measure which proposes to suspend the appointment of incumbents where the patrons are Bishops, but to leave the appointments free where the patrons are laymen. So you will have two



parishes side-by-side, the same in area, the same in population, the same in spiritual exigency. They will both become vacant in the course of the year. In the one of them the Bishop is the patron; in the other a layman. The layman can appoint an incumbent. The parish which is in the gift of the Bishop will be deprived of its incumbent. On what possible principle, on what rational or plausible ground, can you state to the laity of Ireland, that of the two parishes I have supposed, one is to be deprived of its incumbent, and the other is to continue to have its incumbent? But at the same time that the measure works in this way, I object to it because it works blindly. It strikes at one and the same time in the parish which has the smallest population, and the smallest need for endowment, and it strikes equally and at the same time at the large and populous parish, where the Church population is already overgrown, and where the Church with all its present appliances is unable to keep pace with the wants of the people. Observe, my Lords, the difference between this measure and that which it professes to follow—the measure of 1833. The measure of 1833 dealt with those parishes—and with those parishes only—in which there had been no service performed for three years. It suspended, as well it might do, those parishes until arrangements were made for incorporating them with other parishes. Under this Bill the populous parishes of Ulster, where there is the greatest difficulty in providing the ministrations of the Church to meet the demands upon them, may some of them become vacant during the year to which the Bill will apply, and it will be impossible to supply the vacancies when they occur.

My Lords, these being the general objections which lie on the surface of the measure, let me ask your Lordships to observe some other consequences that would follow from its working, which have not received the attention they deserve. I take the first stage of the Bill, which suspends the appointment of successors to Bishops and Incumbents. Have your Lordships considered the effect of the measure on the families of a deceased Bishop or Incumbent? There is hardly any see in Ireland, and there are still fewer parishes, where the Incumbent has not, upon entering on the incumbency, paid a heavy charge to his predecessor; and the security given him for this payment by Parliament is, that he may in turn recover this charge against his successor. I have got before me a statement with regard to the position of seven Episcopal sees in Ireland, where

the sums recoverable from successors amount to nearly 30,000*l.* But when I turn to the position of the Incumbents, I find, in one diocese alone, that of Armagh and Clogher,—taken not because it is more favourable to the argument, but because circumstances led to the return being easily obtained—the charges amount to 45,000*l.* Your Lordships may, therefore, imagine to how considerable a sum these charges amount over the whole of Ireland. You have authorized and secured these building charges: you have them registered by Act of Parliament: they have become a parliamentary security. In almost every instance in Ireland the incoming Incumbent has paid the charges out of his little savings, and that charge has become the provision for his family in case of his death. I have before me an instance, taken out of many, in which an Incumbent had to pay this charge on taking possession of the benefice. He had not the money of his own, but the Trustees of his marriage settlement had 1000*l.* belonging to his wife, which was laid out on this building charge, and that has now become the only means of providing for his widow and children in case of his death. At present that is not only a charge on the benefice, but it is a personal debt due from the successor. A clergyman in Ireland, when he is appointed to a living, inquires into the charge upon it, and considers whether he has the means to pay it off, and if he is prepared to pay it off, he accepts the living. The course I have described will, I am sure, be attested by the right reverend bench. The incoming Incumbent pays it off by four instalments to the family of his predecessor. Now I am quite aware that the incumbency will be handed over to the Ecclesiastical Commission, as the Bill provides, ‘subject to the charge.’ I quite admit the charge will remain a charge on the benefice; but how will the family of the deceased Incumbent, to whom it is a matter of life or death, be paid their little pittance? How will they be paid? The Ecclesiastical Commissioners have no funds wherewith to pay it. There is no successor personally liable to pay it. The Bill remains in operation for a year, and is renewed for one year or two years; the charge continues unpaid, and there will be the greatest difficulty in recovering the charge, that which ought to be paid without difficulty and to the day.

So much, my Lords, with regard to the action of the Bill in relation to Incumbents; but let me now ask your attention to a few facts, as to the effect it will have on a class well worthy your Lordships’ consideration—the class of Curates. The author of this Bill



(Mr. Gladstone) professed at the outset a tender and solicitous regard for the case of the Curates. Let us see how that regard is manifested by this Bill. The average vacancies of preferments in the year throughout Ireland are about ninety. Take it that the measure remains in force only one year, ninety vacancies will occur. Of the preferments in Ireland one-fifth are in lay hands and four-fifths in the hands of the Bishops. Therefore, seventy-two of these vacancies will be in Episcopal patronage. The difference between the incumbencies in the hands of laymen and those in the hands of Bishops is very important. The layman is perfectly free to appoint whom he likes ; he has no ties on him but the claims of friendship, or personal preference. But with respect to the Bishop it is altogether a different matter. The Bishops are the patrons in Ireland, to whom the Curates may fairly look for the reward of their labours, and if they do not receive that reward from the Bishops they are not likely to receive it from anybody. I am happy to say, from my knowledge of the Right Rev. Prelates of Ireland, that this claim of the Curates has on all occasions been fully acknowledged. I hold in my hands a very sorrowful list of names—a list which is at the service of any of your Lordships who may desire to see it—of seventy-five Curates in Ireland, who have, for upwards of twenty years, on their little pittance of 75*l.* or 100*l.* a-year, been serving the Church in their curacies in the various dioceses in that country where it is proposed during the next year to suspend the appointments to the incumbencies. Therefore, virtually and practically, the whole effect of the present Bill would be—because it is the incumbencies to which the Bishops have the right of presentation that the Bill will suspend—that some seventy out of these seventy-five Curates will fail to receive their preferment in the course of the year which otherwise they might certainly expect. That, my Lords, is the glorious result of the first portion of this Bill, suspending the appointment to the vacant benefices.

Now let me go a step further. The next portion of the Bill is the provision providing for vacancies in sees. I confess that I hardly know the exact meaning of this portion of the Bill, and I expected to hear some explanation of it from the noble Earl (Granville), but as he did not think fit to enter into the point, I must take the explanation of it which was given by the author of the Bill in another place. Mr. Gladstone says,—‘The measures taken with respect to the suspended bishoprics are the same as those

proposed by Lord Derby in 1833. Those measures will serve the purpose now.' That is the statement of the author of the Bill, who must be supposed to know something about it. My Lords, no bishoprics were suspended for an hour by the legislation of 1833. The bishoprics which were then abolished were abolished upon the death of the Bishops who held them, and were immediately, without the delay of a second, transferred to the other bishoprics to which they were joined. It is therefore a pure mistake to suppose that there is any provision in the Act of 1833 that will serve as a precedent for what the Bill proposes to do. But that is not all. The Act of 1833 did nothing whatever with respect to the spiritualities of the Church; it was a Bill dealing with the temporalities of the Church only. Here is a Bill which appoints certain persons—we shall see presently who they are—the 'Guardians of the Spiritualities,' and an Act of Parliament passed in 1833, which did not mention spiritualities from beginning to end, is invoked as a precedent for the arrangement. But, in the next place, this Bill provides that 'the persons designated by the Act of 1833 to execute the powers of that Act shall be the guardians of the spiritualities under this Bill.' But no persons were designated by the Act of 1833 to guard the spiritualities, and no persons were by that Act 'designated' for any purpose. This is a strange mistake to have been made, but it ought to be pointed out. What that Act did was this,—it allowed the Ecclesiastical Commissioners to select out of certain persons (the archdeacons of the diocese, the dean, and vicars-general) some one, not to act as guardian of the spiritualities, but to make certain official returns, which had to be made from time to time, not with reference to bishoprics then suspended, but with reference to any bishopric which might at any time, even down to the present day, be vacant. The duties of these persons so selected were merely mechanical duties connected with the making up these returns. But that is not all. The Ecclesiastical Commissioners are by the present Bill to appoint the guardians of the spiritualities in every vacant diocese. At the present time the Archbishop is the guardian of the spiritualities of a vacant diocese, and why is he to be displaced for some person said to be designated in the Act of 1833, but who is not designated in that Act? But the climax of all this remains. The framers of this Bill were unacquainted with the ecclesiastical law of Ireland. They were not aware that the guardians of spiritualities, even if appointed, could

not exercise those peculiar and statutory powers which are required for the government of a diocese in Ireland—powers as regards residence or non-residence of incumbents—as regards the licensing and regulating of Curates, and other matters of the same kind, which are conferred, not by the general ecclesiastical law, but by the Act of Parliament passed in 1825, which makes the Bishop of the Diocese personally, and not through his Consistory Court, the judge in all the ordinary questions arising between the Bishop and his clergy. Therefore, the appointment of guardians of spiritualities would simply leave the Church where a bishopric fell vacant in a state of anarchy and confusion, because none of those powers to which I have referred as belonging to the Bishops personally could be exercised by the guardians of the spiritualities.

My Lords, these are objections to the Bill which I challenge the noble Earl to answer. But I will go a step further, and ask, What is the provision made for filling vacant incumbencies? It is proposed by the Bill that vacant incumbencies shall be filled by stipendiary Curates. I take leave, in the first place, altogether to deny that it would be possible in Ireland to obtain, in the course of a year, ninety stipendiary Curates who, for an engagement which might terminate within a year, would undertake to move house and home, and take possession of one of these incumbencies, for the purpose of performing a duty during a certain number of months. But I say further, that, even if this were possible, it would ruin an incumbency to appoint a stipendiary Curate under these conditions. It is impossible that he could have any sympathy with, or interest in, the institutions or in the laity of the parish. To fill up a vacant incumbency in this way would be most fatal to its permanent interest. Take, for instance, the case of a vacancy occurring in an incumbency in a populous town, where a stipendiary Curate is appointed under the conditions I have named. It would be impossible to supply the place of the former Incumbent under these conditions with a man equal in power to himself, and the result would be that the congregation would be broken up. But here, again, your Lordships will hardly believe it when I tell you, that in many cases the stipendiary Curate under the provisions of this Bill could never come into existence. The proposal in this Bill which relates to the subject is, that the provisions of the Act of 1833 for supplying the spiritual wants of suspended benefices shall apply to the benefices becoming vacant under this Act. But what are the pro-



visions of the Act of 1833 as to supplying the spiritual wants of suspended benefices? They are to this effect:—It is to be lawful for the Ecclesiastical Commissioners and for the Bishop of the diocese associated with them to make the necessary provision. But there may be no Bishop of the diocese, and thus you leave no means of appointing the miserable substitute in the shape of a stipendiary Curate that may be required.

And now, my Lords, passing on from this, I come to the mode in which this Bill proposes to deal with the Ecclesiastical Commissioners. When the subject was first mooted in the other House of Parliament, a very frightful story was told about the Ecclesiastical Commissioners. Mr. Gladstone said it was absolutely necessary something should be done, because these Ecclesiastical Commissioners were in the habit of manufacturing—of ‘erecting’—benefices; and that within a very short period two benefices had been manufactured, in each of which there were to be found only four specimens of a class which he denominated ‘Anglicans.’ That produced a great effect in the other House of Parliament, and thereupon it was said, We must have a resolution, not merely against Bishops and Incumbents, but also against these Ecclesiastical Commissioners. A few weeks passed away, and it turned out that the whole story was an entire delusion. The Ecclesiastical Commissioners have no more power to create benefices in Ireland than any of your Lordships. Some person, no doubt, had told Mr. Gladstone this story. The truth, I believe, was, that two old benefices had been joined together under the Act of 1833, or some Act of that kind, by order of the Privy Council. The Incumbent happened to die; the union could not be continued; the Bishop, I have no doubt for very good reasons, refusing to continue it: and thus Mr. Gladstone was given to understand that the Ecclesiastical Commissioners had created two new benefices. Accordingly, the idea of restraining the Ecclesiastical Commissioners from creating benefices has not appeared in the Bill. But what are the Ecclesiastical Commissioners to be restrained from doing, and what will be the effect? They are now to be restrained from making ‘grants’ and ‘augmentations.’ Now I want your Lordships to observe what the consequences of that will be. Your Lordships are probably not aware of the manner in which grants are made by the Ecclesiastical Commissioners. They are made in pursuance of the Act of 1833, and the way of making them is this:—If there is a church wanted in a neighbourhood,

and the inhabitants are willing to contribute, the Commissioners are known to be ready to make a grant correlative to the sum raised in the neighbourhood. The usual course, therefore, is, in the first instance, to collect money in the neighbourhood, to purchase a site, and, perhaps, begin to build. When the money is subscribed, the subscribers go to the Commissioners and have a grant made them. Now, so largely is this course followed, that I find that in the last thirty years subscriptions were paid into the Ecclesiastical Commissioners to the amount of 196,000*l.*, to set against corresponding grants, and during the last eight years this 'slumbering Church of Ireland,' which the noble Earl below the gangway (Carnarvon) contrasted so unfavourably with the Church of England, has paid to the Commissioners — altogether apart from sums expended without reference to the Commissioners — no less than 103,706*l.* Now observe, my Lords, you suspend by this Bill the power of the Ecclesiastical Commissioners to make grants during the next year. And what will be the effect? It will be, that in those cases where money has already been given — where, perhaps, sites have been obtained, but the grants have not been actually made, you stop the power of the Ecclesiastical Commissioners to fulfil the expectations which have been held out to those who have contributed on the faith of Parliament, and you compel the Ecclesiastical Commissioners to break faith with them. But that is not all. What about the augmentations? The case with regard to them is still more singular. The work of augmentation has also been pursued by the Ecclesiastical Commissioners since 1833. I think it was Mr. O'Connell who said that this system of augmentation was the best feature in the Act of 1833. That Act provides that all livings in Ireland over 300*l.* a-year shall be taxed in order to collect funds to augment all livings below 200*l.*, and bring them up to that amount. Now that process of augmentation has been going on slowly indeed, as the funds have not been available to any large amount, but every year a certain number of these small livings have been augmented and brought up to 200*l.* Now I have got a list of those whose turn would come next year, and I will just mention four of them, in order to show the sort of cases they are. There is Christ's Church, Lisburn, the net income of which is 125*l.*, the Church population estimated at 5000; there is St. Paul's, Belfast, the net income of which is 125*l.*, and the Church population 6000;



there is Newtonards, the net income of which is 135*l.*, and the Church population 2500 ; and there is Miltown, Armagh, the net income of which is 123*l.*, and the Church population 2340. These are samples of the cases which would come next for augmentation. But remember that the faith of Parliament is pledged to these augmentations, because the Act of Parliament, which you have not repealed, holds out this promise to the incumbents under 200*l.* a-year. Remember, also, that here you have got two vested interests to consider, not merely the interest of the smaller incumbents, but also that of those large incumbents, who have been taxed and whom you are going to tax for the next year. But you have no right under the sun to tax the larger livings unless you augment the smaller ones ; yet here you are asked to continue taking the money from the larger Incumbents without applying it to the benefit of the smaller livings.

My Lords, looking at the clauses of this Bill, which some of your Lordships appear disposed to see passed into a law, this would be its operation and effect. And I cannot avoid congratulating the noble Earl (Granville), perhaps I should say the noble Duke (Argyll), and his coadjutors, upon the spirited form which their first effort at legislation upon this subject has assumed. They have been ingenious to inflict pain at the points at which it would be most keenly felt. The conscientious convictions which the noble Duke (Argyll) admitted had for thirty years of office been so discreetly smothered by the leaders of the Liberal party, have at last burst forth, and a noble crusade has been formed—a crusade not to rescue or protect, but to overthrow all that is sacred ; and the first victims selected by the gallant band of warriors are the expectations—based on the faith of parliamentary promises—of miserable and underpaid incumbencies waiting for their long-delayed augmentations,—the preferments, anxiously looked for and now almost within his grasp, of the hard-working and ill-requited Curate, and the little patrimony of the widow and the orphan, whose pitance is abstracted if its payment is endangered or delayed.

My Lords, before passing from this Bill, there is one other subject to which I would ask the earnest attention of your Lordships. I am not going now to argue the bearing of the Act of Union upon the great question of the disestablishment of the Church. That is a subject which is much too long to be considered to-night, and which may well be considered at some future period ;

but I do ask you to consider the effect of the Act of Union with reference to the present Bill. Upon the construction and bearing of the Act of Union, I will enter into no points of dispute, but will take the construction put upon it in words for which the promoters of the present Bill are in the fullest degree responsible. It was only in 1856—which, I suppose, is within the Parliamentary Statute of Limitations—that a motion was made in the House of Commons by Mr. Dillwyn, for the disestablishment and disendowment of the Irish Church. Lord Palmerston was then Prime Minister. The noble Earl who moved the second reading of this Bill (Granville) was a member of the Government; so was the noble Earl near him (Earl Russell); so was the noble Duke who spoke to-night (Argyll); so were the noble Earls beyond him who were formerly Lords-Lieutenant of Ireland; so was Mr. Gladstone himself. We have, therefore, the collected opinion and determination of the Government of that day. Now, the only ground upon which Lord Palmerston opposed the motion of Mr. Dillwyn, was the Act of Union. I do not say that he had no other objections, but that was the ground he selected as the answer to Mr. Dillwyn. Speaking for all the distinguished statesmen who composed his cabinet, Lord Palmerston said:—

‘If that 5th Article has any meaning at all—and it is preposterous to suppose that it is a vain delusion, and that it has no real, substantive intention—it must mean, in the common sense of mankind, that the Church of Ireland in harmony with the Church of England is to be maintained. Parliament is competent to deal either with the Church of England or of Ireland according to varying circumstances, but it must deal with those Churches not in order to destroy them, but for the purpose of rendering them more effectual in their operation.’

I observe that Mr. Gladstone voted with Lord Palmerston upon this ground. Well, that is a fair construction to put upon the Act of Union, and it is quite sufficient for my purpose. I do not enter into the question whether it is competent to Parliament to vary or repeal the Act or Treaty of Union. That has not yet been done, and I ask you this question,—Do you suppose it would be tolerated—would it be attempted—that the Church of England should be the subject of a Suspensory Bill of this kind for a year, or any other period, because it was intended at a future period to

alter its constitution or stop its existence? If you will not so deal with the Church of England, I ask how is it possible, consistently with any adherence to the Act of Union, that you can deal in a different spirit with the Church of Ireland? My Lords, I asked would this be attempted with the Church of England. But I am bound to mention one occasion on which the attempt was made. The ancestor of the noble Earl, formerly Lord-Lieutenant of Ireland (Clarendon), in his History of the Great Rebellion, has given us an interesting account of the negotiations with the King at Newport, in 1648, and of the Convention which was extorted from the King at that time by the Commissioners who represented the opinions and policy of the leaders of the Parliamentary party. It is a curious thing, and one would almost suppose that the proposers of this Bill had resorted to that precedent, that I find that the 2nd Article of that ill-omened Convention is in its wording almost the same as that of a Suspensory Bill. The consent of the King, says Clarendon, was extorted *magna inter suspiria*, to a measure for suspending for three years the functions of the Established Church in England, and for alienating and selling for the benefit of the State the lands of the Church, reserving only the ancient rents. That is the only precedent I can find for this measure, and as such I place it unreservedly at the disposal of the noble Earl.

I have detained your Lordships too long upon this Bill. Allow me now, to make some observations upon those great principles to which, under the guise of this Bill, your Lordships are asked to assent. My Lords, in dealing with the question of the disestablishment and disendowment of the Church in Ireland, it will be convenient, I think, at this period of the debate, to get rid of some points that have been referred to which seem to me to have no real bearing on the argument, and which rather tend to introduce perplexity and irrelevancy as soon as they are mentioned. I think we may assume that we are not going to hear anything more of the 'intelligent foreigner' and his opinions. I think we may also entirely put aside any observations—of which only a few have been made—on what are called the inequalities of the Irish Church, as regards the amount of emolument received, compared with the extent of the duty performed. My Lords, upon that head I have taken the opportunity of asserting, and I think the warmest friends of the Church have always asserted, an anxious desire to see every subject of inequality of this kind carefully examined and completely



redressed. I believe the Irish Church has suffered much from this not having been done before; and for my part, I shall be better pleased the sooner that work is done. I think we may likewise put aside the reference which has been made once or twice to the case of Scotland, and the course taken with respect to the establishment of Episcopacy in that country. That case has no analogy whatever to the present. In Scotland there was an Established Church: that Church had endowments. No person proposed to disestablish that Church; no person proposed to take away its endowments: but the question, the only question, agitated between England and Scotland in the reign of William III. was this—whether the Parliament and the Government of England should coerce that Established Church of Scotland to receive a form of Church Government to which it conscientiously objected. I think we may also put aside this question—What would it be judicious, just, or expedient to do, supposing we were now dealing with Ireland as a new country, and were considering for the first time the question of religious establishments? That, my Lords, unfortunately, is not the question with which we have to deal. That was the question with which the Colony of Australia, which has also been referred to, had to deal. It was also the question, though not perhaps in so pure a form, with which the Colony of Canada had to deal, when we left the disposal of the Clergy reserves to the Legislature of Canada.

One other reference, and one only, has been made to a case supposed to be an analogy. I mean the case of Jamaica. That was alluded to by the noble Earl (Carnarvon) who sits below the gangway, and who was lately Secretary of State for the Colonies. That noble Earl made a speech which was addressed partly to the subject of the Irish Church, and partly to the subject of Her Majesty's Government. With regard to the Irish Church, the noble Earl appeared to me to say about as much evil and as little good as he possibly could do. But with regard to Her Majesty's Government, I am bound to say he said nothing except what was evil. The noble Earl appears to think that, since the occurrences which happened in the spring of last year, virtue and honour have retreated from the public service and have retired into private life. The noble Earl even proceeded to make a suggestion that the Government, under the guise of defending the Irish Church, were really only seeking to prolong her existence for a short time,

in order that they might have the satisfaction of destroying her themselves hereafter. Now, my Lords, if that is an hypothesis which presents itself to the understanding of the noble Earl as rational and intelligent, I don't know that there are any means of preventing him from entertaining it. But I venture to think that the Irish Church will hardly thank the noble Earl, entertaining as he does this theory, for the advice, which in consequence of his opinion he tenders to her, and for the course he is about to pursue in respect to this Bill; because, as I understood his advice to the Church, it was this, that in order to save herself from this apprehended annihilation hereafter at the hands of her friends, she ought immediately to surrender herself to be destroyed by her enemies. And the noble Earl, as I understood him, is perfectly willing to assist her in this operation by his vote on the present Bill.

The noble Earl, however, said that nothing could be so grossly inconsistent as the conduct of the Government in defending the Irish Church at the time when they were disestablishing the Church in Jamaica. He said that the case of Jamaica was exactly parallel: that the case of the English Church was not the same as that of the Irish Church, but that the case of Jamaica was the same, and there the Government was disendowing and disestablishing the Church. Now, my Lords, what are the facts? I am sorry to have to state them to a noble Earl who was Secretary for the Colonies. In Jamaica and other West Indian islands there are Bishops appointed by the Crown; there are parishes in those islands with Archdeacons and parochial ministers. Now, nothing whatever has been done, nothing whatever is proposed to be done, altering in any manner the establishment of Bishops, Archdeacons, and clergy in the way in which it has subsisted ever since it had any existence. From a very early period the dignitaries of the Church were supported by the Colonies. The distress in the islands arising from emancipation\* was so great for the time, that the Parliament of England, as a matter of charity, and as an eleemosynary gift, was content to pay out of the funds of the mother country a sum of 20,000*l.* a-year

\* It was subsequently explained that this Parliamentary donation commenced, not after the emancipation, but some years previously (1826), during the agitation for emancipation. This, however, does not in any way affect the argument. The point of the statement was, that there was neither Dis-establishment nor Disendowment of the Church in the West Indies. Dis-establishment there could not be, for the Church and all its Offices were to



in order to eke out and complete the salaries of some, not all, but of a certain number of the Bishops and Archdeacons in those islands. That payment has gone on for some time. It has attracted from time to time the attention of Parliament, and as the temporary pressure of the islands was passing over, and as the subject more-over of the application of the resources of the Imperial Exchequer for Colonial purposes was better understood, a strong feeling was expressed by Parliament that this contribution ought to cease, but to cease only so far as the Imperial Exchequer is concerned ; that is to say, that the Colonies which have the Bishops, the Archdeacons, and the parochial incumbents, should be left to take this payment on themselves. This grant of 20,000*l.* had been placed on the Consolidated Fund instead of on the Estimates, and therefore an Act of Parliament was necessary. The Colonists are, I believe, perfectly ready to make provision for the payment of the Bishops and parochial clergy ; and the whole of this great question of the disendowment of the Church in Jamaica turns out to be simply this, the transfer of the burden of 20,000*l.* from the Imperial Exchequer to the Colonial Exchequer. Now I must express my regret that the noble Earl, in his anxiety to make a thrust at Her Majesty's Government, should have allowed his judgment to be so blinded with regard to a simple, commonplace transaction of that kind as to magnify it in his own mind into a case parallel with that of the present Bill, and with the disendowment and disestablishment of the Irish Church.

The EARL of CARNARVON.—May I be allowed to ask the noble and learned Lord this question, whether the Colonists have undertaken, either directly or indirectly, to substitute any payment for the endowment for this country ?

The LORD CHANCELLOR.—My answer to the question is this : I believe the Colonists are ready to make provision for the payment of the Clergy of the Church ; and as soon as the Act receives the Royal Assent, communications will be made to them by the Colonial Office, inviting them to put themselves in motion for this purpose.

remain in exactly the same position towards the Crown, and towards the Constitution of the islands, as before. And as to Disendowment, the withdrawal of an annual Parliamentary grant—whether commencing in 1826 or 1836—could have no analogy to that kind of disendowment which was in question ; namely, the alienation and secularization of property by law vested in and belonging to the Church.

Whether, however, they do this or not does not signify a pin's point in the argument. There was no endowment to which we ever pledged ourselves. There was no contract whatever upon the subject. There was simply an eleemosynary donation of 20,000*l.* originating in the distressed state of the island ; and out of tenderness for the circumstances under which that donation was made, the measure, to which I have referred, contains a clause, providing that none of those persons who have gone out to Jamaica, upon the faith of this donation from the Imperial Exchequer, are to suffer during their incumbencies; and the Imperial Exchequer, during their incumbencies, will make good the sums they have been receiving.

The noble Earl, however, who moved the second reading (Granville) referred to Jamaica for another purpose. He said he understood the Government had consented, in the case of Jamaica, to a suspensory measure analogous to this Bill. The noble Earl (Carnarvon) told the noble Earl he did not know how strong the case really was, for that it was perfectly parallel. Now, what is the fact with regard to this suspensory measure, which is a different matter from the Parliamentary grant of 20,000*l.* a-year. There is in Jamaica a very singular Colonial law, which is this,—that all the parochial arrangements of the island are made for a term of years only. They all come to an end next year (1869); the incumbents and curates of the whole island hold their preferments for a term, which will then expire; and the whole of the salaries and of the work to be done will then be subject to revision. In this state of things, Governor Grant sent a dispatch to the Colonial Office, in which he thus expresses himself:—

‘The second measure is mainly of preparatory character, though it will also have the effect of producing an immediate saving to the revenue, of considerable importance in the present state of the finances of the Colony. Under a Colonial statute, the tenure of the cures of all the Clergy of Jamaica expires with the close of the year 1869. At that time it will be legitimate to make any changes of system, and any reductions in number and pay, which may be thought proper on general principles. Great reductions in pay were made by the late Colonial Legislature, at the expiry of the last temporary statute, by which the ecclesiastical establishment was regulated;

and it has been perfectly understood by all parties here, that the re-arrangement of the ecclesiastical establishment after 1869 would be treated practically as an open question. For this reason I have proposed to the Bishop that no vacancy, occurring in the ecclesiastical establishment, shall be filled until a new scheme for supplying the religious wants of the island shall have been determined upon by Her Majesty's Government; and in this proposal his Lordship has acquiesced. I now submit this recommendation for your Lordship's decision. Already by the provisional introduction of this principle, an immediate saving, which I estimate roughly at about 2000*l.* a-year, has become feasible, without public inconvenience or personal loss to any one: the details of which arrangement I hope to be able to send to your Lordship by next mail. I cannot too strongly express to your Lordship the obligation I am under to the Bishop of Kingston for the kind and liberal support I have received from him in my endeavour to improve the embarrassed financial condition of this colony, by economy in this department of affairs.'

The facts are thus very simple. All appointments must come to an end in 1869; and it would be very foolish to appoint, merely for a year or two, when an entire change in the ecclesiastical arrangements of the island is already appointed by statute to be made.

The Colonial Secretary sent a despatch in reply, in these words:—

' I have to acknowledge the receipt of your despatch, No. 57 of the 24th of November, reporting the reduction effected by you in the ecclesiastical expenditure in Jamaica, and the steps taken by you with a view to a further reduction of it. I concur in your views on this subject, and approve your proceedings for giving effect to them. I have observed with satisfaction the cordial co-operation which you have met with from the Bishop.'

Now I think all this was a very ordinary and very natural transaction. Both the Governor's letter and the Secretary of State's despatch appear to me to be exceedingly proper. I believe the arrangement has nothing on earth parallel with the suspension of



appointments proposed by the present Bill. If, however, my Lords, I am mistaken in this view, if it is the case that Her Majesty's Government do not, as was said by the noble Earl (Carnarvon), come into court with clean hands upon this subject, if they are guilty of the flagrant and glaring inconsistency to which he referred, if that is the case, then, at least, it may not be unfitting, that in the presence of the accuser of the Government, I should remind your Lordships that the hand which is appended to that despatch is the hand of the Earl of Carnarvon.

Now, my Lords, as regards the disestablishment and disendowment of the Irish Church, which is the real principle of this Bill, there are two questions which have to be considered — Justice and Policy. It has been repeatedly said that the endowment and establishment of the Irish Church are an injustice. If, however, anything is unjust, there can never be much difficulty in putting your finger upon that which constitutes the injustice, and I listened to this debate with some interest to know whether we should be informed by any of the speakers what the injustice, as regards the position of the Irish Church and its endowments, was said to be. Well, my Lords, what is the injustice? If these endowments belonged to any other Church or body, I should admit at once that it was a great injustice, and that the Church ought not to have them. But is it contended that these endowments belong to any other Church? Is it contended that they belong to the Roman Catholic Church? Do you intend to give them to the Roman Catholic Church? Why, the Roman Catholic Church say that they don't claim them, that they don't want them, and that they won't have them. There is no case, therefore, of a rival claimant demanding these endowments, and asserting that they properly belong to them. Then is the injustice this, that wherever you have an established Church, with endowments, that is of itself an injustice and an inequality as regards every person who is not a member of it? My Lords, depend upon it, we must face this question and must make up our minds how to answer it if that is said to be the injustice. Is the existence of the Irish Church, with its endowments, an injustice to every one who does not belong to it? If this is the theory we are to adopt, then I maintain that it does not matter whether those who do not belong to it are five thousand or five millions. The injustice, if injustice there be, as regards individuals, is the same. There can be no greater injustice as regards each

individual of the five millions than there would be towards each individual of the five thousand. Therefore, if that principle is to be laid down in support of this measure, it is one which applies to this country as well as to Ireland. A petition was presented the other night by a noble Lord (Lord Lyttelton), which I am desirous of treating with every respect. The petitioners stated that the Irish Church was an injustice, and that they could not support an injustice. I said to myself, 'Here are philosophers, literary men, men of reputation ; I shall now hear what the injustice is.' I read the petition and found the usual dogmatic statement, that the Irish Church, with its endowments, was an injustice, but I found nothing more. The question was thus left just where it had been. But the noble Lord who presented the petition took the trouble of giving your Lordships an explanation on the subject. If I am wrong he will correct me. He said that he did not understand that all those who had signed the petition, or the greater number of them, approved the scheme brought forward in connexion with the present Bill. Many, or some of them, were in favour of a plan for dividing the endowments of the Irish Church among the various denominations in Ireland. Now, if these petitioners have adopted the view that these endowments belong to all the different religious denominations in Ireland, I agree with them that the present appropriation of these endowments is an injustice. I do not agree with them in their first proposition, that these endowments do belong to all the religious persuasions, but if they have arrived at that view I can see what they mean by an injustice, and the conclusion at which they arrive is what might be expected from logical men. But, then, my Lords, that petition is not one in favour of this Bill, and the petitioners, on the contrary, are contending for a principle disowned by the promoters of this Bill.

Well, but then it is said that the majority in Ireland do not accept the services of the Established Church, but profess a different religion, and that in this lies the injustice of the Establishment. Now, my Lords, if that is the principle we are to adopt, if what is just when those who have the endowments are in the majority is unjust when those who have them are in the minority, then the logical consequence must be that the majority are entitled to the endowments. I ask the noble Earl, who moves the second reading (Granville), Is it his proposal that the endowments of the Irish Church should be transferred to the Roman Catholics ; or is



it that they should be divided among all denominations ; or is it that the majority, whoever they may be, should have these endowments? If he repudiates each of these three proposals, then I am unable to see what is the injustice which he is going to remedy.

Now, my Lords, one word about numbers—a difficult and delicate subject to enter on. The point to be considered seems to me to be this, Is the connexion between Church and State an Imperial question, or a local question? If it is an Imperial question, I apprehend that the numbers you have to look to are the numbers of the empire. If it be a local question, I want to know how far are you going to localize it? Are you going to stop at localizing it in Ireland? Why should not a proposition be made to localize it in Wales? You may depend that if you treat this as a local question, you must be prepared to carry out that principle far beyond the case of the Irish Church. If the question of Church and State is to be dealt with according to the exigencies of different localities, you cannot stop short at Ireland. Let me take a question which is analogous. You have now a Protestant Sovereign, a Protestant head of the State, laws to secure that the head of the State shall always be a Protestant. Is that an Imperial principle? I apprehend it is. That law is enacted and maintained because the great majority of the people of the empire hold it to be a good law. But I want to know, if the question of the connexion between Church and State be a local question, why the principle that the head of the State should be a Protestant should not also be a local question ; and, if so, why should not the people of Ireland express an opinion upon it? Why should not an agitation be got up in Ireland to treat this principle as an Irish and not an Imperial question? My Lords, this is not so chimerical a supposition as some of your Lordships might be inclined to suppose. At a meeting of the Defence Association, of which Cardinal Cullen is the President, it has been made a subject of complaint that a law of this country inflicts the grievous hardship on Roman Catholics of entailing a forfeiture of the Crown on any Sovereign of the United Kingdom who should be converted to, what is termed in the resolution, ‘genuine Christianity.’ More than that. My Lords, a supporter of this Bill in the House of Commons, more advanced or more candid than his fellows, has made a proposition, which, I believe, has not yet been considered, that the declaration which secures

that the Sovereign should make a profession of the Protestant religion, should be wiped out of the Coronation-ceremony.

My Lords, I have thus tried, and tried in vain, to find out what is the injustice complained of by the advocates of this Bill; and now let me ask you—for this question of injustice has two aspects—to consider what is the injustice on the other side? The subject is too broad to take in all its details, but let me refer, in order to show the working of a measure of disendowment, to two important elements of the property of the Irish Church. I will take first the glebe-lands. I do not mean the glebes themselves, for they are comparatively small matters, nor do I speak of the small patches round the residences of the clergy; I speak of the glebe-lands constituting a large item in the property of the Church in Ireland. The glebe-lands in Ireland amount in round numbers to 133,000 acres. In the province of Armagh alone they amount to about 112,000 acres. I do not suppose I overstate the value of these lands—they are said to be about the best in Ireland—when I say that they are worth considerably more than 100,000*l.* a-year. Now what is the title to that property, and how were these glebe-lands given? Let me read to your Lordships a very short extract from Mr. Hallam's account of the settlement of Ulster by James the First. He says,—

‘From a sense of the error committed in the Queen's time by granting vast tracts to single persons, the lands were distributed in three classes, of 2000, 1500, and 1000 English acres; and in every county one half of the assignments was to the smallest, the rest to the other two classes. Those who received 2000 acres were bound within four years to build a castle and bawn, or strong court-yard; the second class within two years to build a stone or brick house with a bawn; the third class, a bawn only. The first were to plant on their lands within three years forty-eight able men, eighteen years old or upwards, born in England or the inland parts of Scotland; the others to do the same, in proportion to their estates. All the grantees were to reside within five years, in person or by approved agents, and to keep sufficient store of arms. They were not to alienate their lands without the King's license, nor to let them for less than twenty-one years. Their tenants were to live in houses built in the English manner, and not dispersed, but in villages.’

That was the scheme of settlement generally, but the instructions with regard to assigning glebes were in these words:—

‘ The Commissioners are to assign to the incumbent of each parish a glebe, after the rate of threescore acres for every thousand acres within the parishes, in the most convenient places, or nearest to the churches; and, for the more certainty, to give such glebe a certain name, whereby it may be known.’

My Lords, the Commissioners proceeded under that order to allot the glebe-lands; and if your Lordships have the curiosity to look into the matter you will find in your library, through the recent publication of the Patent Rolls, the terms of the grant of every one of those glebes. I will take the limitations of two of these, by way of example:—

‘ To hold for ever to the incumbent and his successors in free, pure, and perpetual alms for all services’ (a title in frankalmoign, as good a title as a fee-simple), ‘ with a covenant for the building of glebe-houses; and in default His Majesty reserves permission to enter, and by the hands of the dean, archdeacon, and two justices of the peace, to collect the issues and profits of the lands until the buildings shall be finished; and no person shall let or set any of the glebes contrary to His late Majesty’s instructions, upon pain of forfeiture of five shillings an acre.’

In another grant, the only other example that I shall give:—

‘ All the preceding lands are to be held by the incumbents and their successors for ever, in free, pure, and perpetual alms, on condition that they shall build substantial residences.’

Now, my Lords, observe what the consequences were. This was the plantation and settlement of Ulster. Not only did the incumbents settle and comply with the conditions imposed, not only did they reclaim the lands allotted to them, but the settlers who took the thousand acres, less the sixty, induced by this grant for the maintenance of their religion, imported or immigrated with other Scotch and English settlers. They reclaimed the land of Ulster, and that province, which, according to Sir John Davis, was immediately before one waste and desolate wilderness, became the Garden of Ireland. Money was laid out upon it, men came into the country and settled there with their families, and if



you now touch these glebe-lands, which were so granted, you unsettle the Settlement of Ulster. You take away that which was the most important element of the settlement; you interfere not merely with the interests of the incumbent and his successors, but those rights and interests of the laity who staked their fortunes in Ulster and made Ulster what it is, you entirely confiscate. I need not remind your Lordships that the greatest amount of wealth, prosperity, and energy that was ever brought into Ireland, was introduced by means of that very settlement.

So much for the glebe-lands and for the 100,000*l.* or 200,000*l.*, a-year of the income of the Irish Church which the glebe-lands represent. Now, my Lords, turn for a moment to the tithe rent-charge. I cannot at this hour go into the history of that portion of the possessions of the Church, and after the speech of my right reverend friend this evening, what I can say must fall far short of what you have already heard. But I ask you to take one short and simple view of the results of confiscating the tithe rent-charge. Eight-ninths of the land in Ireland belongs to Protestants. The purchasers in the Encumbered Estates Court were, it is well known, as to the great majority, Protestants also. Now let me ask your Lordships to take the case of a single one of these purchasers, for we shall never understand the bearing of the question till we look at individual cases. Let me suppose the case of a purchaser of land who buys a whole parish. He is a Protestant, he naturally looks for the enjoyment and instruction of his religion, and to the advantage of having a parochial clergyman upon his estate. He knows that in some way or other this parochial clergyman must be provided for, and he knows, when he buys or inherits the land, that there will be payable out of it a sum (say) of 500*l.* a-year, tithe rent-charge, which will be applicable to the support of that minister whose ministrations he values. Now, if you confiscate the rent-charge and apply it to secular purposes, what is the practical effect on the layman? Never mind the clergyman, let him take care of himself for the present. You thereby require this Protestant owner, the purchaser of a whole parish, to provide another 500*l.* a-year in order therewith to provide for the minister whose former means of support you have confiscated. That brings us face to face with the character of this measure. It is not a measure in which the vested interests of the clergy are really so much at stake. And I can conceive nothing more nearly approaching to mockery



than a resolution which says that the Irish Church is to cease, due regard being had to all personal interests and individual rights of property,—that being afterwards interpreted as meaning the individual interests and rights of property of the clergy. I am very anxious for the clergy and their well-being; but they appear to me to be of all persons the least interested in this question, because their interests for life are to be secured. The persons whose interests are overlooked are the laity. I have given your Lordships an instance: a proprietor buys a parish knowing that there are certain outgoings intended to provide for a clergyman; having bought the parish, he finds these outgoings confiscated by your legislation to some wholly foreign purpose, and is by that means compelled to supply the deficiency by another payment of equal amount which he never reckoned upon at all. Let me put a homely illustration. Here is a parish-hospital with ample endowments for its support; let us suppose that an enlightened legislator resolves to apply its endowments to some other purpose, providing at the same time that all vested interests shall be respected. The hospital is full of patients, and it has a good staff of medical and other officers. An actuary is brought in to value the amount of interest which each patient may be supposed to have for his sojourn in the hospital, and to value the life-interests of the staff. The amount of this valuation is secured, and then it is said that all vested interests are respected. No doubt all interests are respected, except the not unimportant interest of the parish for which the hospital was originally intended. And then, my Lords, if this enlightened legislator were to find that the compensation took up two-fifths of the endowment, he would, according to the views of the promoter of this Bill, tell us that he preserved for the hospital two-fifths of its property! Now, this is exactly what you propose to do with the Church; the clergy are all to be compensated with money, the parishes are to be simply robbed of their endowments.

Now, my Lords, let us turn to the policy of the question,—the pacification of Ireland. That was a question dealt with somewhat summarily by the noble Earl (Clarendon). The noble Earl, who has had some experience of Ireland, said, ‘I never supposed that this measure would do anything for the pacification of Ireland. I don’t think it will, but at all events,’ he said, ‘if we pass this measure we shall have satisfied our own consciences.’ That was the view of the noble Earl. Now, my Lords, I am quite

sure that your Lordships would be quite willing to do anything in reason to bring ease to the conscience of the noble Earl ; but at the same time I am bound to say that when one considers the number of years during which the noble Earl has been in office, and during which he never, that I am aware, opened his mouth upon this subject, I cannot help thinking that this chronic state of uneasiness of conscience has not, upon the whole, caused him much discomfort. But, my Lords, I think your Lordships would do well to consider whether this Bill, which you are asked so suddenly to pass to the great injury of one class of the population, will have any good effect in producing that harmony we all so much desire to see. Now what is the foundation for the idea that this measure will lead to the pacification of Ireland ? In the first place, is it the case that the Established Church in Ireland has been the cause of the antagonism of races which has so undoubtedly and so long prevailed ? I should like to answer that question in the words of a Roman Catholic historian, also a great poet, who gives us a statement from the Roman Catholic point of view, as to the history of the Church of Ireland. Mr. Moore says :—

‘ At the period when all were of one faith, the Church of the Government and the Church of the people of Ireland were almost as much separated from each other by difference in race, language, political feeling, and even ecclesiastical discipline, as they have been at any period since by difference of creed. Disheartening as may be some of the conclusions deducible from this fact, it clearly shows that the establishment of the Reformed Church in that kingdom was not the first or sole cause of the bitter hostility between the two races.’

Now take the present time, and I ask, what reason is there for supposing that any of these Fenian movements, which we all look on with abhorrence, are in any shape or form connected with the Established Church ? Has any member of that body ever suggested anything of the kind ? On the contrary, have not the whole of the attempts of Fenianism been designed to obtain possession of the land in Ireland, to effect a separation of the two kingdoms, and to establish what has been called the nationality of Ireland ? Well, my Lords, what as to the Roman Catholic laity of Ireland ? It is impossible not to observe that the Roman Catholic laity of Ireland have discovered that the measure which has been so temptingly

held out to them, and which they have been asked to support, does in reality give them nothing, and may deprive them of much which they now have. Every day I read in Roman Catholic organs appeals to the laity, upbraiding them for being utterly indifferent to the great work being conducted in England by their great apostle, Mr. Gladstone. Then, is there any foundation for imagining that the Roman Catholic priesthood, with their great influence over the laity, would, upon receiving a measure of this kind, induce the laity of Ireland to be satisfied, and influence them to ask for nothing further? If your Lordships believe that, you will act in entire opposition to the declared position and opinion of the Roman Catholic priesthood. Your Lordships have heard of the circular issuing from a meeting of the Tenant-right Society in the county of Meath, the meeting being attended by the Roman Catholic Bishop and Vicar General, and the circular being signed by two Roman Catholic priests. In that circular they say,—

‘The one, the great, the sole question for Ireland, is the land question; other agitations, such as that against the Established Church, are got up for party purposes, would infuse an element of bigotry into the already sufficiently disturbed relations between landlord and tenant, would effect the ruin of thousands of tenants, and precipitate that social catastrophe we are anxious to avert.’

My Lords, I could not help being struck the other day by a pamphlet which was sent to me, purporting to be written by the Rev. Mr. Malone, a parish priest of Belmullet in Ireland, and who writes to my noble friend lately at the head of the Government (Lord Derby). He sums up the case of Ireland against England in these words, and your Lordships will see that he does not even mention the Established Church. His propositions are,—

‘First, that Ireland, by Divine right, belongs to the Irish race; Second, that England never had a right to dispossess the people of Ireland; Third, that England does, nevertheless, dispossess, extirpate, and indirectly put to death the people of Ireland; and, Fourth, it will be a question for consideration whether the people of Ireland have a right to resist and overthrow any Government that thus violates the fundamental principles of right and justice in her regard.’



My Lords, if, as I am convinced is the case, this agitation against the Church is not an Irish but an English question, and an English anti-Church agitation, let me ask you to consider what will be the probable effect upon the Protestant population of Ireland? I do not claim for the Protestant population of Ireland any indulgence, I do not claim for them any privilege, I do not claim for them ascendancy of any kind; but I do claim for them this: I claim that it be recollected that they represent by far the greatest amount of the education, of the energy, and of the prosperity of Ireland; and that so far as they have been introduced into and settled in Ireland, they have been introduced and settled to civilize, and to cement the union between the two countries, and to plant in Ireland the seed of that freedom of thought, and speech, and action, which are among the most glorious fruits of the Reformation. What, then, I ask, do you suppose will be the feeling of the Protestant population of Ireland, if dealt with in the manner that this Bill proposes to deal with the endowments of their Church? I do not mean to say, as has been said by others, that the effect will be to produce anything like resistance by physical opposition. But, my Lords, I do say this—that legislation of this kind, viewed by them, as it must be viewed, with resentment and a sense of injustice, cannot fail to induce in their minds feelings which must in the highest degree be detrimental to the realization of that close connexion which we all wish to see prevail between this and the sister country. Upon this point I am anxious to refer to testimony which the promoters of this measure will regard with greater favour than my own. Sir George Grey, when a colleague of all the noble Lords who sit on the front Opposition-bench, and speaking in the House of Commons on behalf of the Government of which they were members, said, no later than 1863,—

‘Whatever I may think of the wisdom and policy of establishing an exclusive Church of the religion of a minority in a country, without making any provision for the religion of the majority of the inhabitants, it is impossible to get rid of the fact that this Church has existed for centuries, has become interwoven with the institutions of the country, and could not be subverted without a revolution. That revolution I, for one, am not prepared to recommend.’

My Lords, in the same debate a right honourable gentleman,



who represents perhaps more than any other Member of Parliament the Roman Catholic opinion of Ireland—I mean Mr. Monsell—said,—

‘He disclaimed all idea of supporting the motion from a desire to overthrow the Established Church of Ireland. That, he admitted, could not be accomplished without a revolution, and he was not prepared to face a revolution for such an object.’

The noble Earl (Russell) seems surprised at that opinion; the noble Earl will therefore allow me to quote his own words. I should not venture to go so far back as 1846 if the noble Lord had not referred to his opinions at that time, and endorsed them in the pamphlet he published only last year. He said,—

‘I believe that with respect to what some have proposed—namely, the destruction of the Protestant Church in Ireland, there could be no worse or more fatal measure sanctioned by Parliament. I believe that it would be politically injurious, because I believe that many of the most loyal in Ireland, many of those the most attached to the connexion with this country, would be alienated by the destruction of that Church to which they are fondly attached. I believe that, in a religious point of view, it would be the commencement of a religious war; that there would be that which does not at present prevail, the most violent and vehement attack upon the Roman Catholic Church, and that the Roman Catholics themselves would be the first to complain of the destruction of the Protestant Church.’

My Lords, I believe these opinions are not overstrained, and that the effect of this policy on the population of Ireland will be either to perpetuate the war of races, which was rapidly dying out, or else (and this is a result to which some agitators look forward with avowed pleasure) to unite them in a common hostility to England.

Now, my Lords, for its effect on the social well-being of Ireland. That is disposed of in a word. There is no evil in Ireland, by the admission of every one, so great as the evil of absenteeism. Dis-establish the Irish Church, and you produce two classes of absentees, which have hitherto not existed—one class, the Bishops and Clergy, who have been the most numerous and most useful of the resident gentry of the country. The other will be that class of those laymen who, having no longer the services of the Church to which they belong, will have every temptation held out to them to cease to reside in the country. And here again I am happy to be

able to quote the words of the noble Earl in his pamphlet this year. He says, speaking of the destruction of the Protestant Church :—

‘ It would manifestly check civilization, and arrest the progress of society, in the rural parts of Ireland. In connexion with education it would deprive Ireland of the Parliamentary grants which now flow from the Imperial Exchequer.’

My Lords, I turn next to the effect on the welfare of the Church itself. I admit that, as a member of the United Church of England and Ireland, I look with great anxiety to this part of the subject. My Lords, I do not wish to enter into any theological argument. I certainly should be very sorry to reciprocate the announcement in the recent Encyclical from Rome, that one of the dogmas of the present day, which are to be reprobated, is the idea that Protestantism is a form of Christianity. I am willing to extend the most perfect respect to the sincere opinions and convictions of the Roman Catholic Church, though I do not agree with them ; but I may, at the same time, be excused for preferring the doctrines maintained by my own Church, and for feeling alarm and jealousy at any policy which would be injurious to the spread of those doctrines. Now the noble Earl, in moving the second reading, assured us that he was perfectly satisfied, that if this Bill passed, the Church would be amply supported : that she might safely rely on her own exertions, and would even rise to higher prosperity and greater vigour than she has ever yet enjoyed. My Lords, even if this view of the results of disendowment were true, still if the endowments are the property of the Church, the observation of the noble Earl would be but little to the purpose. It is very much the same thing as if some person, surveying the ample rent-roll and possessions of the noble Earl, and, being led by circumstances, to take what the noble Earl terms a ‘ calm and dispassionate view ’ of the great inequalities in the division of property, should go to the noble Earl and say to him, ‘ You are committing a great mistake ; with your commanding eloquence, your unrivalled tact and great abilities, if you would only be content to give up any reliance on these adventitious sources of wealth which you possess, and launch forth upon the strength and support of your own powers, you would not feel in the slightest degree the want of what you surrender ; and in a few years you would come back to me and tell me how much happier, how much richer, how much more influential, you are, and how much you find your general welfare improved by

having taken my advice.' I doubt very much whether the noble Earl would think that a persuasive or consolatory mode of argument in his own case. But, my Lords, I deny that the assumption is true. I fully admit—I am thankful to believe—that the spread of the great truths of revealed religion has taken place, and will take place, notwithstanding the want of endowments. But I apprehend it is an entirely different thing where you have the case on the one hand of a church, that never has possessed endowments, which has taken root, and extended its branches, and pushed itself forward, from time to time, just as its strength and numbers enabled it, and as means were supplied to allow its efforts to be made; and where you are dealing, on the other hand, with a church which has grown up, and grown old in the possession of endowments, and where, by a sudden and hostile wrench, you propose to tear away its supports. I know that it is the fashion to say, 'Look at the case of the Free Church of Scotland, how it has repudiated endowments, and has provided for the sustenance of its own ministry.' There is no kind of analogy between the two cases. In Scotland you had a Church, which under the stress and pressure of conscientious conviction, was, by its own action, rent asunder into two parts, one of which retained, and the other of which, for conscience sake, surrendered, those endowments which had belonged to the body as a whole. That same conscientious conviction, that same pressure which brought about this severance, became, as it always will become, a source and motive of liberal action, amply sufficient to supply the place of those endowments, which, for conscientious reasons, were given up. It is a very different matter with regard to a Church, in which there is no desire to give up, no conscientious scruple which demands the surrender of, its endowments, but whose endowments the State forcibly carries away. My Lords, it is said that the Church of Ireland ought to rest upon the support of the members of the Church of Ireland. I have not the least doubt, that in the large towns in that country the Church would continue to be supported. It would be supported at a sacrifice, but the sacrifice would be made and the Church maintained. But what would happen in the country parts of Ireland, inhabited by a sparse and scattered population, amid the wilds and amid the agricultural districts of the country? I apprehend that this would happen, that the thinly sprinkled Protestant population of those parts would either emigrate, or in time—and that no distant time—be



absorbed into the religion of those by whom they are surrounded—the religion of the Church of Rome, and become subject to all the political influences connected with that Church.

And now, my Lords, I turn to the connexion between the Church in Ireland and the Church in England. I do not wish to overstate this part of the argument. I admit that there are large, very large, differences between the Church in Ireland and the Church in England, as regards the circumstances of the two countries and the circumstances of the two Churches. But your Lordships must bear in mind what you are asked to do. You are asked to deal with this question, not in reference to circumstances, but upon principles—upon the principles of justice and equality; and if you lay down the principle that the existence in Ireland of an established Church having endowments is an injustice and inequality as regards any one who does not belong to it—and that is the principle upon which you are now asked to act—then I want to know why the principle is not to be applied to England? Supposing this was to happen, supposing the Church in Ireland were to be disestablished and several years hence some statesman were to get up and say, ‘Let us look back at the debates that occurred upon the Bill for the disestablishment of the Irish Church in 1868, and we shall find it laid down that the Irish Church was an inequality and a hardship upon those who did not agree with it, and are we now to have this inequality maintained in England?’ What answer could we give? I do not see how the principle of equality can be applied to one country and not to the other. Is there to be equality and justice for Ireland and inequality and injustice to England? Bear in mind, my Lords, that we have had ample warnings upon this point. These opinions are not mine; we have had warnings on the subject from every body of men, who, as far as I am aware, are anxious for the passing of this Bill. As regards the Roman Catholic body, do they say that they are anxious only for the disestablishment of the Church in Ireland, and that they don’t suppose that anything that is done in Ireland will become a precedent for dealing with the Church in this country? I was much struck by reading, only the other day, in the ‘Westminster Gazette,’ a prominent organ of the Roman Catholics of England, an article headed ‘The Catholics of England and the coming Election:’—

‘The independency of the Nonconformists is a less unclean



thing in our eyes than the Royal Supremacy. We have suffered less, England has suffered less, by it than by the fatal principle introduced by the Tudor religion. In the work of disestablishing, *first the Irish, then the Anglican Church*, we can, though without sharing their principles, join hands with the earnest and religious Dissenters of England.'

That is what the Roman Catholics of this country say of the matter. Now let us see what the Dissenters say. Do they say, 'We want to abolish this anomaly in Ireland, but to leave it untouched in this country.' I take the words of Mr. Miall on this point:—

'The Irish Church question will not be finally disposed of before the public mind will be prepared to entertain proposals in reference to the Scotch Kirk and the Church of England. As it has been with one establishment, so probably will it be with the others. Their time is fixed. An impulse will come unexpectedly and from an unanticipated quarter. The ordinary barriers will be broken down. What is taking place now is full of encouragement to such as are content to labour and to wait. They need not ask, "Who will roll us away the stone from the sepulchre?" In the appointed hour they will be relieved of their perplexity by the intervention of some unlooked-for messenger from heaven. Mr. Gladstone is but now treading on the verge of a wide region of change. He knows not whither his convictions will ultimately impel him. He may be regarded as raised up and qualified by Divine Providence for great and beneficent purposes.'

But the noble Earl (Granville) said that those who foreboded any danger on this score to the English Church were 'prophets of evil.' Well, one of these prophets of evil is now sitting beside the noble Earl, and has just addressed your Lordships in support of this Bill. The noble Earl (Russell) said no later than last session (1867), in moving for the commission on the Irish Church which is now sitting,—

'A third course would be to "secularize" the Church funds; that is, to adopt the voluntary principle in regard to the Church in Ireland; to establish no new Church and to abolish the establishment which at present exists, giving to education, or to any other object of general utility, the revenues which are now absorbed by the Established Church in Ireland. Of course this proposal contemplates securing a life-interest to the present

holders of benefices in the Church. This is a plan which I have often thought might be realized, but it has very great defects in it. In the first place, you immediately destroy, as far as Ireland is concerned, the principle of Establishment. Such an example would hardly be lost on the Dissenters of this country. Although the cases might be very dissimilar, those who strove for the destruction of the Church Establishment in England in favour of the voluntary principle, would avail themselves of the precedent to overthrow the Established Church here. I therefore think it would be unwise in us to assent to a Bill embodying that view, even if it came from the House of Commons.'

My Lords, I am sorry to say that there was much of the speech of the noble Earl to-night which I was unable to catch, but I suppose I ought not to doubt that he means to act by voting against this Bill, as he said he would not quite twelve months ago, for he then held the opinion that it would be unwise to assent to a Bill embodying the policy he then condemned, that is, the policy of disestablishing the Church in Ireland, even if that Bill came up to us from the House of Commons.

Well, my Lords, but then the noble Earl, the late Secretary of State for the Colonies (Carnarvon), says that for a Government to assert that danger may accrue to the English Church from the destruction of the Irish Church is a wanton,—nay more, is a reckless,—nay most, is a criminal thing; and Her Majesty's Government are wanton and reckless and criminal for attempting to bind up the fate of the English with that of the Irish Church. Now I want to know, if my house adjoins my neighbour's and both stand under the same roof, am I guilty of a wanton, of a reckless, of a criminal act when, even although my foundations are deeper and my walls thicker, and my beams broader, and my joists more fire-proof, than my neighbour's, I venture to suggest that if a fire breaks out in his house it may possibly extend to and injure mine?

But then we are told that the Church of England need not have any fear because she is firm in the affections of the people. My Lords, I believe she is firm in the affections of the majority of the people of England, and I should be very hopeful of her safety if those who had to decide it were the people of England. But those who say so, assuredly forget how any question affecting the Church of England will come to be decided. Will it be decided by the people of England? My Lords, it will not. It will be decided by

Parliament, by the House of Commons. And whom will the House of Commons represent? My Lords, do not imagine you will have all at once a gross and open measure proposed in the House of Commons to disestablish and disendow the Church of England. There will be nothing of this kind, but you will have, year after year, measure after measure proposed, bit-by-bit legislation, all having the same tendency, and all going to impair in some way or other the standing and coherence of the English Church. And who will vote upon these questions? The people of England? No. There will be the representatives of Ireland; rather more than one half of them representing constituencies flushed with the recent triumph over the Church in their own land, and eager to add to that triumph. We know how they will vote. Then there will be the remainder of the Irish representatives, returned by constituencies stung with resentment and grief and pain at the way in which they have been treated and betrayed. We can imagine how they too will vote. Then you will have the Scotch members, at present almost all returned by constituencies holding voluntary opinions, and who, if as Mr. Miall says, the Scotch Kirk is to be the next victim, will have no establishment of their own left to defend. You will have them added to the Irish members. Then there will be the representatives of English constituencies, no small number, who are influenced by voluntary opinions; and in that state of things, will the affections of the people of England be able to preserve, inviolate, the safety of the English Church?

I must now, with your Lordships' permission, add a few words on the effect which these proposals will have on the security of property. I think it is very important that we should understand upon what principle we are invited to act as regards ecclesiastical property. The proposition now is to secularize, for the first time, property which, from time immemorial, has been devoted to ecclesiastical purposes. Remember, in the course of our parliamentary history, this has never yet been done. What is the true view of the position and nature of ecclesiastical property? The noble Duke (Argyll) says it is perhaps a technical view to take, but that there is no corporation of the Church; that there are individual corporations, such as Bishops and Incumbents, but that the Church itself is no corporation. My Lords, this is indeed a technical view, because it is one which wholly fails to comprehend and to appreciate the broad and substantial view of the question. No doubt a lawyer



will tell you that you have in the Church individual corporations, such as bishops, and rectors, and incumbents. But for whom do they hold the property they possess? Is it for their own enjoyment and benefit? Can they do what they please with it? Certainly not. They hold it as trustees for the whole Church, for the laity and the clergy alike; and in that sense, in that larger and wider view, in that comprehensive and corporate capacity, the Church, and not the individual corporations are the persons entitled to the benefit of the property. Now, it is said that there is a great distinction between ecclesiastical and private property. I never said there was not. The distinction is this,—with regard to private property, every owner of it has a right to do with it what he likes. With regard to ecclesiastical property, because it is held in trust for others, that trust has to be protected, and therefore, as to property of this description, the State has a duty to perform. But the only duty which the State has to perform, and the only power which the State, morally speaking, possesses, is the duty and the power to see that the trusts are executed, and that a proper object of the trust remains. And, my Lords, provided the trust is executed and the object of the trust remains, I maintain that Parliament is no more competent, morally, to deal with property of that kind than it is to deal with private property. That is the whole principle applicable to the case, and the only question is, as to an abuse of the trust or a failure of the object. Now, as to any abuse of the trust, we have had every speaker admitting that, whatever may have been the case in times past, the clergy of the Church in Ireland are now performing their duty in a manner worthy of all praise. Well, then, has there been a failure in the object of the trust? The noble Earl (Granville) contended there was, and he made it out in this way. He said that when Queen Elizabeth confirmed these possessions to the Irish Church, she had a full expectation that the whole country would become Protestant, and that the endowments would, therefore, be for the benefit of the whole country. Now, I do not in the least know, nor I think does the noble Earl know, what Queen Elizabeth may have thought with regard to Ireland; but it is certain that when Queen Elizabeth confirmed the English Church in its possessions, she intended—for she made her intention extremely clear—that there should be no nonconformity, and that the whole of England should conform to the English Church. Therefore, you might as well



say that because the expectation and intention of Queen Elizabeth were defeated in England, there was a failure of the objects in their entirety which she had in view. But it has been said that there are no converts made in Ireland. I should be prepared to controvert that statement, but it is not possible in this House to examine into the case of individual converts. But let us take a broader view than the view of individual instances. We are told now that the great statistical authority as to the Irish Church in the days subsequent to Queen Elizabeth is Sir William Petty. I will accept his authority, although it is, I think, Mr. Hallam who says that Sir William Petty's conjectures are 'prodigiously vague.' Well, Sir W. Petty says that at the time he writes, at the close of the seventeenth century, there were 100,000 Churchmen in Ireland out of a whole population of 1,100,000. That is, one in every eleven. There are 700,000 now. If you multiply 700,000 by 11, you get a population of something like 7,500,000, whereas the population of Ireland is only 5,500,000. Therefore you have a Church in Ireland, according to Sir W. Petty's calculation, increasing in a very much greater ratio than any other denomination since the time of which he wrote. If that be so, then there is no failure of the object of the trust. You have, therefore, neither of the grounds which would justify the interference of the legislature with ecclesiastical property. Then, my Lords, are we right or are we not, in saying that the security of property must be affected by legislation of this kind? My Lords, what must happen? The next time there is a Government to be attacked, the next time that some device has to be discovered for organizing a 'calm and dispassionate' attack on something that excites the envy of those who do not possess it, what more easy than to say—taking a case which attracts considerable attention—'Let us deal with private endowments?' I understood the noble Duke who began the debate to-night (Argyll) to lay down broadly as his opinion, that 'any money given to Churches the State might deal with as it thought fit.' Well, between the case of private endowments and the case of corporate property the transition is quite easy. And how will private property be dealt with? Not, probably, by some proposition to confiscate it, but by measures to interfere with entails and with settlements, and with descents and successions and wills, and thus to establish the principle that the State has a right to change the disposition of private property; and for such a proceeding legis-

lation like the present will become a precedent. In the pamphlet of the noble Earl (Russell) he refers to the estates of the Bedford family. The noble Earl says the case of those estates is different from those of the Church, inasmuch as the heir of the Duke of Bedford succeeds to the Bedford estates as a matter of course : whereas with regard to a bishopric, the new Bishop does not succeed as a matter of course. My answer to that is, that the heir of the Duke of Bedford succeeds as a matter of course as long as you maintain the present law ; the successor of the Bishop succeeds as a matter of course as long as you maintain the present law : but if you alter the present law as regards the one, I want to know what security you have that the law may not be altered also as regards the other. I will not enter into the anecdote the noble Earl (Russell) has told us to-night, when he said an Earl of Derby of an earlier date had shut up the then Earl of Bedford in a castle. But the noble Lord did not tell us what that Earl of Bedford had done.

EARL RUSSELL.—The then Earl of Derby wished to shut him up.

THE LORD CHANCELLOR.—Oh, he only wished to shut him up ! The noble Earl, I think, suggested that the Earl of Derby did this because the Earl of Bedford would not join the conspiracy to dethrone Queen Elizabeth. I only referred to the subject in order to remind the noble Earl that there is another version of that story, which states that the Earl of Derby of that day was supposed to have been poisoned by the Jesuits because he would not enter into the conspiracy himself.

But, my Lords, how will this measure bear upon the supremacy of the Crown ? You have now a Protestant head of the State. You have in each country of the United Kingdom, in close connexion with the State, a form of the religion of the Sovereign. You have this secured by a tripartite contract between the three kingdoms. For, my Lords, it is an error to suppose that the contract on this subject is in the Act of Union with Ireland alone. In the Act of Union with Scotland, in 1706, it is made a “fundamental term” of the Union with Scotland, that the Sovereign of Great Britain shall undertake to maintain, and preserve inviolately, the settlement of the Church, as by law established, “within the kingdoms of England and Ireland.” The same stipulation is again made a “fundamental” term of the Union with Ireland a century later. You have thus in Ireland

the Sovereign of the United Kingdom the legal and recognised head in matters ecclesiastical as well as civil. But you have in Ireland, side by side with the Royal Supremacy, an ecclesiastical supremacy asserted, which ignores and sets aside the supremacy of the Sovereign. And if you withdraw and terminate that part of the Royal Supremacy which the connexion of the Church with the State asserts and recognises, you leave the rival and antagonistic supremacy in undisputed possession of the field.\*

My Lords, I wish to say a few words about the origin of this measure. I never wish to inquire into the motives for the course of action of public men. But we have had the consideration of that question thrust upon us. We have been told by the noble Earl (Granville), repeating what has often been said before, that what led to the proposal of this Bill was a statement which is alleged to have been made, but which never was made in the sense or meaning which is alleged, by the Government in the other House of Parliament with reference to their policy towards Ireland. My Lords, I think the noble Earl has himself shown that this measure was determined on by its author long before. He told us that in a conversation he had with Mr. Gladstone at the commencement of last year, Mr. Gladstone stated to him that one of the first duties of the Liberal party would be to undertake the question, in the sense in which it has now been undertaken, of the Established Church in Ireland. And, my Lords, in the pamphlet to which I have already referred of the noble Earl (Russell) who sits beside him, which I cannot suppose was given to the world without some consultation with the party with which he always acts, the noble Earl (Russell) announced that it was not for one moment to be endured that this Session should pass without a proposition being made in Parliament by the Liberal party through Mr. Gladstone, with regard to the Irish Church. If that be so—when it was Mr. Gladstone's conviction expressed to his colleague last year—and when it was the conviction of the noble Lord (Russell) at the commencement of the present Session, I want to know how it can be pretended that this attack upon the Irish Church was occasioned by, or was

\* From the lateness of the hour the above reference to the question of the Supremacy of the Crown was omitted in the Speech in the House; but it forms a part of the whole argument.



the consequence of, the statement erroneously attributed to the Government in the House of Commons?

But that is not all. That conversation with Mr. Gladstone, we are told, occurred at the beginning of last year. Now, in the summer of 1865, Mr. Gladstone, then a candidate for the University of Oxford, wrote to one of his constituents who was seeking for some explanation of his views on the Irish Church; and at that time he said,—

‘The question of the Irish Church is remote, and apparently out of all bearing on the practical politics of the day. I think I have marked strongly my sense of the responsibility attaching to the opening of such a question. One thing I may add, because I think it is a clear landmark, in any measure dealing with the Irish Church, I think (I scarcely expect ever to be called upon to share in such a measure) the Act of Union must be recognised.’

Now, this was in the summer of 1865, and there having been in the interval no parliamentary discussion on the subject whatever, it is perhaps a pardonable curiosity which leads me to ask how it came to pass that within eighteen months Mr. Gladstone, in consultation, we are told, with the noble Earl (Granville), announced to him that in his opinion it was the first step in the policy of the Liberal party to proceed to destroy the Irish Church. The noble Duke (Argyll), with that happy view which he ever takes of the failings and imperfections of every creature in the horizon, except the one who himself pronounces the criticism and the condemnation, referred to my right honourable friend the First Minister of the Crown, and spoke of the cunning of animals who could not protect themselves by strength. Now I should be sorry to use, with reference to this letter of Mr. Gladstone, the term ‘cunning,’ I believe it was written in perfect sincerity, according to what Mr. Gladstone at the time believed. But what I do say is this, that the most cunning of all the cunning animals to which the noble Duke referred, if he had desired to baffle and mislead the innocent and unsuspecting person who made the inquiry, could not have been more happy or adroit in the expressions he used than was the author of this letter.

My Lords, the noble Duke says the great office of party discipline and party warfare in this country is to identify the fortunes of a party with great public measures. I agree gene-



rally in that view. But I ask, is this measure a great public measure in the proper sense of that term? That it will have a great effect upon the Church which is to be the subject of it I entirely admit, but by a great measure I mean a measure well considered in all its parts, and as to no part of which there is any reticence or desire to conceal the whole scope of its effect and operation from the party who makes it their political programme. Now, can that be said of this measure? You propose to disestablish and disendow the Irish Church; what do you propose to do with the funds of the Church? You are going to apply them to Irish purposes; I ask to what Irish purposes? Are you going to apply them to the relief of the poor? I apprehend not; that would be simply taking the burden off property which now bears it. Are you going to apply them to the primary education of the people? If you do, it will be a strange benefit to Ireland that simply deprives Ireland of some 300,000*l.* or 400,000*l.* a-year, which at present flows there from the Imperial Exchequer. Are you going to apply them to the higher or middle-class education of the country? Do you not know that the Roman Catholic Church distinctly and uniformly refuses to have any participation in donations of that kind, unless they have them on their own terms, and upon a system of education which you have always refused to admit? You object to those who would alter the arrangements of the Church by taking the endowments of one parish and carrying some part of them to another. Are you going to apply these funds to Irish purposes in the particular parish from which the endowments emanate? I want to know how that is to be done? What is the reason why there is this concealment as to what the intention is with regard to these funds? My Lords, there is one explanation, and one only, that I can give, and that, I am sorry to say, whatever in other respects I might think of the measure, deprives it, to my mind, of the character of a great measure,—I say the object of the concealment which has been practised as to the appropriation of these funds is to render possible the temporary concurrence of the votes of those whom you know perfectly well it would be impossible, if you were at once to reveal the appropriation you are about to make of these funds, to combine for any united course of action.

My Lords, I feel I owe your Lordships a very sincere apology for having so long delayed you in my comments on this Bill, and on

the policy of its promoters. Let me, however, say one word with reference to the advice you have received from various noble Lords who sit on the front Opposition-bench as to the principle on which you should perform your duty with regard to this Bill. Several noble Lords sitting on the Opposition-benches have referred, I thought with some bitterness, to the effect which the Bill of last year will have on the constituencies of the country. My Lords, it appears to me a strange thing that these noble Lords who have always professed to be such very ardent reformers, should, whenever they come to speak of the legislation of last year, never fail to communicate to your Lordships the impression that they look on that legislation with apprehension and regret. The noble Earl (Clarendon) spoke of the leap in the dark which you had taken. I know the noble Earl is not the author of that saying, but he made it part of his argument. He said you did not know what the new constituencies would be, and he recommended you to pass this Bill, because the future was so much in uncertainty. I must confess, my Lords, that the noble Earl's reasons would have led me to a different conclusion. This Bill has passed the present House of Commons, which is about to come to an end. That House itself said that the ultimate decision as to the fate of the Irish Church was not matter for them, — that it ought to be remitted to a future Parliament. The noble Earl does not know what that future Parliament will be, — he does not know whether it will approve or disapprove the disestablishment and disendowment of the Irish Church. Now, these to my mind are reasons why the whole question should be allowed to go to the new Parliament unaffected by this Bill, in order that it might deal with that question with full freedom. But the noble Earl (Granville) who moved the second reading, not, I agree, in any words of menace, but in more of blandishment and entreaty, asked your Lordships to take no course which would bring you into collision with the other House of Parliament. My Lords, I value the honour of your Lordships' House, and the harmonious action of the two Branches of the Legislature, as much as any of your Lordships; but I maintain that the way to promote this harmony is for each House frankly, fairly, and respectfully, to discuss on its own merits every question that comes before them, and, if necessary, on every question to pronounce their opinion by their votes. My Lords, if the day should ever come when a measure carried in

baste through the other House of Parliament, and brought up and presented to your Lordships for the first time, shall be accepted by your Lordships, not because you approve of it—nay, while you disapprove of it—but merely because it has been carried by a majority in the House of Commons, the influence, the independence of your Lordships' House, the respect of the country for your Lordships—nay, more—the respect of yourselves for yourselves, will be at an end.

My Lords, differing, therefore, from the noble Earl as to the duty now devolving upon you, I ask you to reject this Bill. I might well be content to do this on the score of the vices and defects of the Bill itself, and of the perverse and blundering ingenuity with which it endeavours to accomplish the worst possible thing in the worst possible way. But I ask you to reject this Bill on higher grounds. I ask you to reject it because it is the commencement of a policy upon which your Lordships have not even yet been consulted, but which policy you will be taken to have accepted if you approve this Bill. That policy is nothing short of the devotion to secular purposes of funds hitherto held sacred, the severance of the Union of Church with the State, and the curtailment of the Supremacy of the Crown. The fruits and consequences of that policy, in our opinion, will be, not the pacification of Ireland, but the perpetuation of the conflict of races—the undermining of the security of property—the arrestment of the progress of social improvement and toleration—and the quenching—so far as it is in the power of legislation to quench it—of the light of the Reformation in that country. My Lords, these are the vast issues involved in this Bill. These are the issues involved in your Lordships' decision now, and they are the issues yet to be presented to the country in the great appeal to its enlarged constituencies. My Lords, in that appeal—for I agree with the noble Duke (Argyll) that it is fitting that a Government should uphold a standard of political faith,—in that great appeal the Government will stand as the defenders of all that this Bill and the policy of its promoters would seek to overthrow. By the result of that appeal we are prepared to abide; and, my Lords, be that result what it may,—and I, for one, have confidence in the true heart and faith of the country,—a nobler cause for which to fight,—a fairer field in which to stand or fall,—no minister and no statesman need desire.



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